IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 33075 of 2007(K)

PETITIONERS:
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1. **O.K.ASHOKAN,AGED 57 YEARS**
   S/O.KRISHNAN, ODASSERY HOUSE
   (PATTERIKULANGARA) CHERAI P.O. KOCHI TALUK.

2. **C.K.PARAMESWARAN,**
   AGED 60 YEARS,S/O.KRISHNAN,
   CHITETHUPARAMBU, KUNNUKARA P.O.,
   CHENGAMANAD.

BY ADV. SRI.ESM.KABEER

RESPONDENTS:
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1. **THE STATE OF KERALA**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   HEALTH SERVICE DEPARTMENT,
   THIRUVANANTHAPURAM – 695 001.

2. **THE DISTRICT MEDICAL OFFICER OF**
   HEALTH, ERNAKULAM – 682 011.

3. **THE SENIOR BIOLOGIST**
   N.F.C.P. UNIT, ERNAKULAM – 682 011.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 33075 of 2007

Dated this the 26th November, 2007

J U D G M E N T

The petitioners retired from service as Attender Gr.II from the Health Services on 31.5.2006 and 31.10.2002 respectively. They started their service as Field Workers under the 3rd respondent. Apparently in the year 2000, an order was issued by the 3rd respondent to recover certain excess amounts received by the petitioners and 11 others for the period from 1.6.1992 to 28.2.1997. Others had challenged the said order in W.P. (C) 9128/2001. There was an order of stay of recovery and the writ petition was disposed of in terms of the interim order. One of the petitioners in Exhibit-P3 filed an appeal as W.A. No.304/2003 which was allowed under Exhibit-P4 judgment setting aside the order for recovery. Exhibit-P4 judgment is dated 9.7.2003. It is noteworthy that during this time, the petitioner had not approached this Court to challenge the recovery proceedings. It seems that the said amount was recovered from the petitioners. According to the petitioners, a direction for recovery was t not effected in respect of all others who had approached this Court.

2. Petitioners contend that no amounts had been recovered from others mentioned in Exhibit-P2 and therefore the amounts which were recovered from the petitioners should be refunded back. They have made a claim in this regard before the 3rd respondent vide Exhibits P5 and P6.

After having heard the learned Government Pleader also, this writ petition is disposed of directing the 3rd respondent to forward Exhibits P5 and P6 to the 1st respondent , within one month from the date of receipt of a copy of this judgment. Thereupon, the 1st respondent shall take a suitable decision on the same after notice to the petitioners, keeping in mind Exhibit-P4 judgment, within two months from the date of receipt of Exhibits P5 and P6 from the 3rd respondent.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007